

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

BARBARA GILLEY, )  
                        )  
Plaintiff,           )  
                        )         No. 3:10-CV-251  
                        )         (VARLAN/GUYTON)  
V.                    )  
                        )  
ELI LILLY AND COMPANY, )  
                        )  
Defendant.           )

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the orders of the District Judge [Doc. 58, 61] referring Plaintiff's Counsel's Motion to Withdraw as Counsel with Plaintiff's Consent [Doc. 53], Plaintiff's Unopposed Motion for Continuance Based on Plaintiff's Counsel's Motion to Withdraw [Doc. 54], Plaintiff's Amended Unopposed Motion for Continuance Based on Plaintiff's Counsel's Motion to Withdraw [Doc. 55], Plaintiff's Counsel's Motion to Hold in Abeyance Plaintiff's Counsel's Motion to Withdraw, or in the Alternative, Plaintiff's Counsel's Motion to Waive the Notice Provisions of Local Rule 83.4(f) [Doc. 56], and the Motion for Continuance [Doc. 60], filed by Plaintiff *pro se*, to the undersigned for disposition or report and recommendation as may be appropriate.

On May 3, 2012, the Court issued an Order setting a hearing to address these motions on May 14, 2012, at 2:00 p.m. The Clerk of Court mailed a copy of this Order to the Plaintiff. On May 14, 2012, the Court conducted this hearing. Attorney David Burkhalter was present representing the Plaintiff, who was also present in the courtroom. Attorney Ellen Boshkoff was present, via telephone, representing the Defendant.

At the hearing, Mr. Burkhalter indicated that the relationship between himself and the Plaintiff was irretrievably broken. He requested permission to withdraw as counsel in this case. The Plaintiff did not oppose this request, but she asked that she be given additional time to find an attorney and that the trial of this matter be continued. The Defendant did not object to Mr. Burkhalter's withdrawing from this case, nor did the Defendant object to the Plaintiff's request for continuance.

Based on the foregoing, the Court finds that the Plaintiff's Counsel's Motion to Withdraw as Counsel with Plaintiff's Consent [**Doc. 53**] and Plaintiff's Amended Unopposed Motion for Continuance Based on Plaintiff's Counsel's Motion to Withdraw [**Doc. 55**] are well-taken, and they are **GRANTED**. Attorney David Burkhalter is hereby **RELIEVED** of his representation of the Plaintiff in this case, and the trial is **CONTINUED to November 5, 2012**. Any deadlines contained in the Scheduling Order [Doc. 16] that had not expired at the time Mr. Burkhalter filed his motion to withdraw on April 23, 2012, **SHALL BE RECALCULATED** from this new trial date. The parties may contact the chambers of the Honorable Thomas A. Varlan, United States District Judge, to request a pretrial conference if one is needed.

Plaintiff's Unopposed Motion for Continuance Based on Plaintiff's Counsel's Motion to Withdraw [**Doc. 54**], Plaintiff's Counsel's Motion to Hold in Abeyance Plaintiff's Counsel's Motion to Withdraw, or in the Alternative, Plaintiff's Counsel's Motion to Waive the Notice Provisions of Local Rule 83.4(f) [**Doc. 56**], and the Motion for Continuance [**Doc. 60**], filed by Plaintiff proceeding *pro se*, are **DENIED AS MOOT**.

Finally, the Clerk of Court **SHALL** mail a copy of this Order to the Plaintiff at 1016 Kensington Boulevard, Maryville, Tennessee, 37803, and until counsel appears on the Plaintiff's behalf, the Clerk **SHALL** mail all Orders of this Court to the Plaintiff at the above address. The

Defendant **SHALL** also serve its filings on the Plaintiff via mail at the above address until substitute counsel files an appearance on behalf of the Plaintiff in this case.

**IT IS SO ORDERED.**

ENTER:

/s H. Bruce Guyton  
United States Magistrate Judge